

MINUTES OF THE HOUSE COMMITTEE ON APPROPRIATIONS.

The meeting was called to order by Chairman Melvin Neufeld at 9:00 a.m. on February 4, 2003, in Room 514-S of the Capitol.

All members were present:

Committee staff present:

J. G. Scott, Legislative Research Department
Becky Krahl, Legislative Research Department
Amy Deckard, Legislative Research Department
Martha Dorsey, Legislative Research Department
Jim Wilson, Revisor of Statutes
Mike Corrigan, Revisor of Statutes
Nikki Feuerborn, Administrative Analyst
Sue Fowler, Committee Secretary

Conferees appearing before the committee:

Barbara S. Tombs, Executive Director, Sentencing Commission
Roger Werholtz, Secretary, Kansas Department of Corrections

Others attending: See Attached

Representative Pottorff moved for the introduction of legislation for Board of Barbering regarding fees. Motion was seconded by Representative Shriver. Motion carried.

Barbara S. Tombs, Executive Director of the Sentencing Commission, presented an overview of the Kansas Sentencing Commission (Attachments 1 and 2). Director Tombs reported on the Kansas prison admission trends regarding condition probation violators by severity level and parole/post-release condition violators by severity level. The actual projected population will have a very steady increase from the years 2003 - 2012. Ms. Tombs stressed the desperate need for long-term policy changes as the "quick fix" approach will no longer suffice. Sentencing guidelines regarding drug offenders is the main cause of the bed shortages. Of the 1500 plus beds needed in the next eight years 600 will be used by drug offenders and those offenders who are returned for parole violations. Without drug treatment programs and education programs, these numbers will all rise.

For the past two years, the Kansas Sentencing Commission has studied and examined numerous options that would reduce the state's prison population. The goal of the alternative drug policy is to provide community punishment and the opportunity for treatment to nonviolent offenders with drug abuse problems in order to more effectively address the revolving door of drug addicts through the state prisons, which should be reserved for serious, violent offenders. The target population for placement in the mandatory treatment program is defined within Attachment 2 (Kansas Sentencing Commission, Report to the 2003 Kansas Legislature).

There was a request for the results of a study on the success rate of prison ministries which are comprised of Chuck Colson program and other local faith-based groups which participate in such ministries

Ms. Tombs reminded the Committee of their past actions in passing sentencing laws nearly every year and the impact this has on projections. Many times these new laws negate each other and past legislation. She recommended all sentencing and judiciary bills be reviewed and handled as a package with a thorough examination and understanding of their possible repercussions.

Roger Werholtz, Secretary of the Department of Corrections gave an overview of the Department of Corrections (Attachment 3). He, too, addressed the issue of the prison population, as compared to capacity. The real issue has to do with the prison capacity for males. According to the projections and to the adjusted baseline capacity we will be out of maximum security male beds by June 30, 2005, out of medium security beds by June 30, 2003, and out of minimum security male beds by June 30, 2004.

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At any given time, there are minimum security inmates with medical problems housed in higher security beds due to the proximity of hospitals or clinics. Those clinics are located in the maximum security units at Lansing, El Dorado and Hutchinson.

There may be lower security inmates occupying higher security beds on any given day because individuals are reclassified on a daily basis, or they may be in that higher security bed awaiting transport to a lower security facility or lower security setting. Another reason could be that the prisoner may be in the higher security bed because they are finishing up a program requirement that is only available at a higher security facility or they may be going through the Reception and Diagnostic process. That process typically lasts three to four weeks. The prisoners are classified during the first week so they can double cell those individuals that are identified as medium or minimum security, thus maximizing the use of the beds. This explains the difference between the reported capacity and the actual adjusted or functional capacity. Secretary Werholtz restated the position that the Department of Corrections is rapidly running out of male beds at all custody levels.

There should be sufficient capacity at least through 2012 to house the women that are projected to come into the system. The Department of Corrections is currently leasing up to 25 beds at any given time to the Federal Bureau of Prisons to house some of their female prisoners. Even though there are currently an excess of female beds within the system, these beds cannot be used to house male prisoners for security reasons.

The budget for the balance of this fiscal year represent \$3.3 million. That \$3.3 million is part of the \$4 million included in the supplemental recommendation that the Governor made for the Department of Corrections. The other \$700,000 of that appropriation covers shortfalls in the medical and food service contract that resulted from using a lower projected average daily population at the time the budget was built, as compared to what happened to the prison population now.

This last fall, the Department issued a request for proposal for the purchase or lease of bed space from private prison vendors. The Department has done this once before while the cell house at Ellsworth was under construction. Last spring and summer, inmates were housed at the Kit Carson Correctional facility in Burlington, Colorado, for a short period of time. Once the cell house was completed, the inmates were brought back and the cell house was essentially filled the day that it opened. The figures that have been seen from the vendors, so far, look fairly encouraging.

The meeting was adjourned at 11:00 a.m. The next meeting is scheduled for February 5, 2003.

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Melvin Neufeld, Chair